

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	M-21- 339-SM
)	
EIGHTEEN VARIOUS FIREARMS,)	
)	
Defendant.)	

**JOINT MOTION TO EXTEND
UNITED STATES' TIME TO FILE COMPLAINT**

Pursuant to 18 U.S.C. § 983(a)(3)(A) and Local Civil Rule 7.1(h), the United States of America, by Robert J. Troester, Acting United States Attorney for the Western District of Oklahoma, through Wilson D. McGarry, Assistant United States Attorney, and Claimant Kevin Carwile, through his attorney, Mack K. Martin, ask the Court for an order extending the deadline for filing a forfeiture complaint by 90 days. In support of its request, the United States submits the following:

1. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) seized eighteen (18) firearms on January 12, 2021, during the execution of a federal search at the home of Kevin and Amy Carwile, which was also the business premises of OK Trailer Holding LLC, d/b/a Bargain Guns, a Federal Firearms Licensee.
2. After the initiation of the ATF's administrative forfeiture process, Kevin Carwile submitted a claim asserting an interest in the seized firearms on March 11, 2021.

3. Under 18 U.S.C. § 983(a)(3)(A), within 90 days of a claim to seized property being filed, the United States is required to file a complaint for forfeiture, “except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.” If the United States fails to timely secure an extension or file a complaint, it is required to release the property and may not take any further action to affect the civil forfeiture of the property in connection with the underlying offense.

4. The deadline for the United States to file its complaint for forfeiture in this case is June 9, 2021.

5. As of the date of this motion, the ATF has sent written notices of intent to forfeit to all interested parties as required by 18 U.S.C. § 983(a)(1)(A). The time has expired for any other person to file a claim to the property under 18 U.S.C. § 983(a)(2)(A)-(E), and other than Kevin Carwile, no other claims have been filed to the property as required by law.

6. As provided in 18 U.S.C. § 983(a)(3)(A), the United States and Kevin Carwile, through his attorney, Mack K. Martin, agree to extend the time in which the United States will file a Complaint for Forfeiture against the firearms or to obtain an Indictment alleging that the firearms are subject to forfeiture.

7. This is the first request for an extension of time.

8. The United States and Kevin Carwile, through his attorney, Mack Martin agrees that the deadline by which the United States shall be required to file a Complaint for Forfeiture against the property shall be extended 90 days or until September 7, 2021.

Respectfully submitted,

ROBERT J. TROESTER
Acting United States Attorney

s/ *Wilson D. McGarry*
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/s/ *Mack K. Martin*
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Attorney for Claimant
Kevin Carwile

CERTIFICATE OF SERVICE

I hereby certify that I have made service of the foregoing Motion to Extend 90-Day Period and a proposed Order on the party herein by causing to be deposited in the United States mail, on June 3, 2021, true copies thereof by email, addressed to:

Mack Martin
mack@martinlawoffice.net
Attorney at Law
125 Park Avenue, Suite 500
Oklahoma City, OK 73102

Attorney for Claimant Kevin Carwile

s/ *Wilson D. McGarry*
Assistant U.S. Attorney